



General Assembly

January Session, 2017

Amendment

LCO No. 7920



Offered by:

SEN. LINARES, 33rd Dist.

SEN. BYE, 5th Dist.

To: Subst. Senate Bill No. 948

File No. 375

Cal. No. 199

***"AN ACT CONCERNING DIGITAL DISCOUNTS TO REDUCE THE
COST OF TEXTBOOKS AND OTHER EDUCATIONAL
RESOURCES."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2018*) The Office of Higher
4 Education and the constituent units of the state system of higher
5 education, as defined in section 10a-1 of the general statutes, may each
6 establish guidelines that encourage institutions of higher education in
7 this state to implement programs that reduce the cost of textbooks and
8 other educational resources for students.

9 Sec. 2. (NEW) (*Effective July 1, 2017*) (a) For the purposes of this
10 section:

11 (1) "Qualified contract" means a purchase contract entered into (A)
12 pursuant to subsection (a) of section 10a-151b of the general statutes,

13 and (B) by the chief executive officer of a constituent unit of the state
14 system of higher education or the chief executive officer of an
15 institution within the jurisdiction of such a unit;

16 (2) "Purchase contract" means a contract for the purchase of
17 equipment, supplies or contractual services, a personal service
18 agreement, as defined in section 4-212 of the general statutes, or a lease
19 of personal property;

20 (3) "Revenue contract" means a contract entered into by a chief
21 executive officer with another entity where the constituent unit or an
22 institution within the jurisdiction of such a unit is receiving monetary
23 consideration from the other entity;

24 (4) "Nonmonetary contract" means a contract entered into by a chief
25 executive officer with another entity where neither the constituent unit
26 or institution or the other entity provides monetary consideration;

27 (5) "State and certain other institutional funds" means any (A) funds
28 appropriated or bonds authorized by the General Assembly, (B)
29 revenue generated from tuition, (C) funds collected from student fees,
30 housing fees or dining services, (D) revenue generated from athletic
31 sponsorship deals or ticket sales, or (E) revenue collected from the
32 clinical operations of The University of Connecticut Health Center and
33 the John Dempsey Hospital; and

34 (6) "Chief executive officer" has the same meaning as provided in
35 section 10a-151b of the general statutes, as amended by this act.

36 (b) The provisions of sections 4-252 and 4a-81 of the general statutes,
37 as amended by this act, shall not apply to:

38 (1) Any qualified contract entered into or amended on or after July
39 1, 2017, that: (A) Does not involve the expenditure of state and certain
40 other institutional funds, (B) is for the purchase of equipment, supplies
41 or services or the lease of personal property (i) to be used outside of
42 the United States, and (ii) where the other party to the contract is

43 located outside of the United States, or (C) is a collaboration with
44 another entity and involves at least two of the following: (i)
45 Philanthropic support, (ii) sponsored research, (iii) research
46 collaboration, (iv) employment opportunities for students, or (v) some
47 other substantial value to the constituent unit or the state; or

48 (2) Any revenue contract or nonmonetary contract entered into by
49 the chief executive officer that is not a qualified contract.

50 Sec. 3. (NEW) (*Effective July 1, 2017*) (a) (1) On and after July 1, 2017,
51 the Board of Trustees of The University of Connecticut may adopt, and
52 update as necessary, policies relating to the process for entering into or
53 amending a qualified contract, as described in subdivision (1) of
54 subsection (b) of section 2 of this act, provided the board of trustees
55 provides a reasonable opportunity for interested persons to present
56 their views on such policies prior to adoption, and such policies are
57 subject to the provisions of section 4-175 of the general statutes. The
58 board of trustees shall post such policies on its Internet web site.

59 (2) On and after July 1, 2017, the Board of Regents for Higher
60 Education may adopt, and update as necessary, policies relating to the
61 process for entering into or amending a qualified contract, as described
62 in subdivision (1) of subsection (b) of section 2 of this act, provided the
63 board provides a reasonable opportunity for interested persons to
64 present their views on such policies prior to adoption, and such
65 policies are subject to the provisions of section 4-175 of the general
66 statutes. The board shall post such policies on its Internet web site.

67 (3) Nothing in this subsection shall exempt a constituent unit from
68 complying with the provisions of title 4e of the general statutes
69 applicable to constituent units, provided any policies adopted
70 pursuant to this section shall supersede any regulations of Connecticut
71 state agencies adopted pursuant to section 4e-47 of the general
72 statutes.

73 (b) Not later than January 1, 2018, and annually thereafter, The
74 University of Connecticut and the Board of Regents for Higher

75 Education shall each submit a report, in accordance with the
76 provisions of section 11-4a of the general statutes, to the joint standing
77 committees of the General Assembly having cognizance of matters
78 relating to higher education and government administration. Such
79 report shall include, but need not be limited to, (1) any policies
80 adopted pursuant to this section, (2) a description of any revisions or
81 amendments made in the previous fiscal year to any previously
82 adopted policies, and (3) a description of each contract entered into or
83 amended in the previous fiscal year pursuant to such policies.

84 Sec. 4. Subsections (b) and (c) of section 10a-151b of the general
85 statutes are repealed and the following is substituted in lieu thereof
86 (*Effective July 1, 2017*):

87 (b) [Purchases] Except as provided in subsection (c) of this section,
88 purchases made pursuant to this section shall be based, when possible,
89 on competitive bids or competitive negotiation. Such chief executive
90 officer shall solicit competitive bids or proposals by sending notice to
91 prospective suppliers and by posting notice on a public bulletin board
92 in such officer's office. Such notice shall contain a notice of state
93 contract requirements pursuant to section 4a-60. Each bid or proposal
94 shall be kept sealed until opened publicly at the time stated in the
95 notice soliciting such bid or proposal. Sealed bids or proposals shall
96 include bids or proposals sealed within an envelope or maintained
97 within a safe and secure electronic environment until such time as they
98 are publicly opened. If the amount of the expenditure is estimated to
99 exceed fifty thousand dollars, not later than five calendar days before
100 the final date of submitting competitive bids or proposals, competitive
101 bids or proposals shall be solicited by public notice posted on the
102 Internet. All purchases fifty thousand dollars or less in amount shall be
103 made in the open market, but shall, when possible, be based on at least
104 three competitive quotations. If desired by the constituent unit,
105 competitive quotations may include quotations submitted to the
106 constituent unit within a safe and secure electronic environment. The
107 constituent unit shall not refuse to consider a bid, proposal or
108 quotation because it is not submitted electronically.

109 (c) [Notwithstanding the provisions of subsection (b) of this section,
110 competitive] Competitive bidding or competitive negotiation is not
111 required in the case of (1) minor purchases of ten thousand dollars or
112 less in amount, (2) purchases made pursuant to subsection (k) of this
113 section, (3) emergency purchases, [or] (4) agricultural purchases of
114 dairy products, poultry, farm-raised seafood, beef, pork, lamb, eggs,
115 fruits, vegetables or other farm products in an amount of fifty
116 thousand dollars or less, or (5) a qualified contract, as described in
117 subdivision (1) of subsection (b) of section 2 of this act, that is entered
118 into pursuant to the policies adopted by either the Board of Trustees of
119 The University of Connecticut or the Board of Regents for Higher
120 Education pursuant to section 3 of this act. Whenever an emergency
121 exists by reason of extraordinary conditions or contingencies that
122 could not reasonably be foreseen and guarded against, or because of
123 unusual trade or market conditions, the chief executive officer may, if
124 it is for the best interest of the state, make purchases without
125 competitive bidding. A statement of all emergency purchases made
126 under the provisions of this subsection shall be set forth in the annual
127 report of the chief executive officer. The chief executive officer, when
128 making an agricultural purchase in accordance with subdivision (4) of
129 this subsection, shall give preference to dairy products, poultry, farm-
130 raised seafood, beef, pork, lamb, eggs, fruits, vegetables or other farm
131 products grown or produced in this state when such products, poultry,
132 farm-raised seafood, beef, pork, lamb, eggs, fruits or vegetables are
133 comparable in cost to other dairy products, poultry, eggs, fruits or
134 vegetables being considered for purchase by the chief executive officer
135 that have not been grown or produced in this state.

136 Sec. 5. Section 1-101qq of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective July 1, 2017*):

138 (a) [A] Except as provided in section 11 of this act, a state agency or
139 institution or quasi-public agency that is seeking a contractor for a
140 large state construction or procurement contract shall provide the
141 summary of state ethics laws developed by the Office of State Ethics
142 pursuant to section 1-81b to any person seeking a large state

143 construction or procurement contract. Such person shall affirm to the
144 agency or institution, in writing or electronically, (1) receipt of such
145 summary, and (2) that key employees of such person have read and
146 understand the summary and agree to comply with the provisions of
147 state ethics law. After the initial submission of such affirmation, such
148 person shall not be required to resubmit such affirmation unless there
149 is a change in the information contained in the affirmation. If there is
150 any change in the information contained in the most recently filed
151 affirmation, such person shall submit an updated affirmation either
152 (A) not later than thirty days after the effective date of any such
153 change, or (B) upon the submittal of any new bid or proposal,
154 whichever is earlier. No state agency or institution or quasi-public
155 agency shall accept a bid or proposal for a large state construction or
156 procurement contract without such affirmation.

157 (b) [Prior] Except as provided in section 11 of this act, prior to
158 entering into a contract with any subcontractors or consultants, each
159 large state construction or procurement contractor shall (1) provide the
160 summary of state ethics laws described in subsection (a) of this section
161 to all subcontractors and consultants, and (2) obtain an affirmation
162 from each subcontractor and consultant that such subcontractor and
163 consultant has received such summary and key employees of such
164 subcontractor and consultant have read and understand the summary
165 and agree to comply with its provisions. The contractor shall provide
166 such affirmations to the state agency, institution or quasi-public
167 agency not later than fifteen days after the request of such agency,
168 institution or quasi-public agency for such affirmation. Failure to
169 submit such affirmations in a timely manner shall be cause for
170 termination of the large state construction or procurement contract.

171 (c) Each contract with a contractor, subcontractor or consultant
172 described in subsection (a) or (b) of this section shall incorporate such
173 summary by reference as a part of the contract terms.

174 Sec. 6. Section 4-252 of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective July 1, 2017*):

176 (a) [On] Except as provided in section 2 of this act, on and after July
177 1, 2006, no state agency or quasi-public agency shall execute a large
178 state contract unless the state agency or quasi-public agency obtains
179 the written or electronic certification described in this section. Each
180 such certification shall be sworn as true to the best knowledge and
181 belief of the person signing the certification, subject to the penalties of
182 false statement. If there is any change in the information contained in
183 the most recently filed certification, such person shall submit an
184 updated certification either (1) not later than thirty days after the
185 effective date of any such change, or (2) upon the submittal of any new
186 bid or proposal for a large state contract, whichever is earlier. Such
187 person shall also submit to the state agency or quasi-public agency an
188 accurate, updated certification not later than fourteen days after the
189 twelve-month anniversary of the most recently filed certification or
190 updated certification.

191 (b) The official or employee of such state agency or quasi-public
192 agency who is authorized to execute state contracts shall certify that
193 the selection of the most qualified or highest ranked person, firm or
194 corporation was not the result of collusion, the giving of a gift or the
195 promise of a gift, compensation, fraud or inappropriate influence from
196 any person.

197 (c) Any principal or key personnel of the person, firm or corporation
198 submitting a bid or proposal for a large state contract shall certify:

199 (1) That no gifts were made by (A) such person, firm, corporation,
200 (B) any principals and key personnel of the person, firm or
201 corporation, who participate substantially in preparing bids, proposals
202 or negotiating state contracts, or (C) any agent of such person, firm,
203 corporation or principals and key personnel, who participates
204 substantially in preparing bids, proposals or negotiating state
205 contracts, to (i) any public official or state employee of the state agency
206 or quasi-public agency soliciting bids or proposals for state contracts,
207 who participates substantially in the preparation of bid solicitations or
208 requests for proposals for state contracts or the negotiation or award of

209 state contracts, or (ii) any public official or state employee of any other
210 state agency, who has supervisory or appointing authority over such
211 state agency or quasi-public agency;

212 (2) That no such principals and key personnel of the person, firm or
213 corporation, or agent of such person, firm or corporation or principals
214 and key personnel, knows of any action by the person, firm or
215 corporation to circumvent such prohibition on gifts by providing for
216 any other principals and key personnel, official, employee or agent of
217 the person, firm or corporation to provide a gift to any such public
218 official or state employee; and

219 (3) That the person, firm or corporation is submitting bids or
220 proposals without fraud or collusion with any person.

221 (d) Any bidder or proposer that does not make the certification
222 required under this section shall be disqualified and the state agency
223 or quasi-public agency shall award the contract to the next highest
224 ranked proposer or the next lowest responsible qualified bidder or
225 seek new bids or proposals.

226 (e) Each state agency and quasi-public agency shall include in the
227 bid specifications or request for proposals for a large state contract a
228 notice of the certification requirements of this section.

229 Sec. 7. Section 4a-60 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective July 1, 2017*):

231 (a) [Every] Except as provided in section 9 of this act, every contract
232 to which an awarding agency is a party, every quasi-public agency
233 project contract and every municipal public works contract shall
234 contain the following provisions:

235 (1) The contractor agrees and warrants that in the performance of
236 the contract such contractor will not discriminate or permit
237 discrimination against any person or group of persons on the grounds
238 of race, color, religious creed, age, marital status, national origin,

239 ancestry, sex, gender identity or expression, intellectual disability,
240 mental disability or physical disability, including, but not limited to,
241 blindness, unless it is shown by such contractor that such disability
242 prevents performance of the work involved, in any manner prohibited
243 by the laws of the United States or of the state of Connecticut; and the
244 contractor further agrees to take affirmative action to insure that
245 applicants with job-related qualifications are employed and that
246 employees are treated when employed without regard to their race,
247 color, religious creed, age, marital status, national origin, ancestry, sex,
248 gender identity or expression, intellectual disability, mental disability
249 or physical disability, including, but not limited to, blindness, unless it
250 is shown by such contractor that such disability prevents performance
251 of the work involved;

252 (2) The contractor agrees, in all solicitations or advertisements for
253 employees placed by or on behalf of the contractor, to state that it is an
254 "affirmative action-equal opportunity employer" in accordance with
255 regulations adopted by the Commission on Human Rights and
256 Opportunities;

257 (3) The contractor agrees to provide each labor union or
258 representative of workers with which such contractor has a collective
259 bargaining agreement or other contract or understanding and each
260 vendor with which such contractor has a contract or understanding, a
261 notice to be provided by the Commission on Human Rights and
262 Opportunities advising the labor union or workers' representative of
263 the contractor's commitments under this section, and to post copies of
264 the notice in conspicuous places available to employees and applicants
265 for employment;

266 (4) The contractor agrees to comply with each provision of this
267 section and sections 46a-68e and 46a-68f and with each regulation or
268 relevant order issued by said commission pursuant to sections 46a-56,
269 46a-68e, 46a-68f and 46a-86; and

270 (5) The contractor agrees to provide the Commission on Human

271 Rights and Opportunities with such information requested by the
272 commission, and permit access to pertinent books, records and
273 accounts, concerning the employment practices and procedures of the
274 contractor as relate to the provisions of this section and section 46a-56.

275 (b) If the contract is a public works contract, municipal public works
276 contract or contract for a quasi-public agency project, the contractor
277 agrees and warrants that he or she will make good faith efforts to
278 employ minority business enterprises as subcontractors and suppliers
279 of materials on such public works or quasi-public agency project.

280 (c) Except as provided in section 9 of this act:

281 (1) Any contractor who has one or more contracts with an awarding
282 agency or who is a party to a municipal public works contract or a
283 contract for a quasi-public agency project, where any such contract is
284 valued at less than fifty thousand dollars for each year of the contract,
285 shall provide the awarding agency, or in the case of a municipal public
286 works or quasi-public agency project contract, the Commission on
287 Human Rights and Opportunities, with a written or electronic
288 representation that complies with the nondiscrimination agreement
289 and warranty under subdivision (1) of subsection (a) of this section,
290 provided if there is any change in such representation, the contractor
291 shall provide the updated representation to the awarding agency or
292 commission not later than thirty days after such change.

293 (2) Any contractor who has one or more contracts with an awarding
294 agency or who is a party to a municipal public works contract or a
295 contract for a quasi-public agency project, where any such contract is
296 valued at fifty thousand dollars or more for any year of the contract,
297 shall provide the awarding agency, or in the case of a municipal public
298 works or quasi-public agency project contract, the Commission on
299 Human Rights and Opportunities, with any one of the following:

300 (A) Documentation in the form of a company or corporate policy
301 adopted by resolution of the board of directors, shareholders,
302 managers, members or other governing body of such contractor that

303 complies with the nondiscrimination agreement and warranty under
304 subdivision (1) of subsection (a) of this section;

305 (B) Documentation in the form of a company or corporate policy
306 adopted by a prior resolution of the board of directors, shareholders,
307 managers, members or other governing body of such contractor if (i)
308 the prior resolution is certified by a duly authorized corporate officer
309 of such contractor to be in effect on the date the documentation is
310 submitted, and (ii) the head of the awarding agency, or a designee, or
311 in the case of a municipal public works or quasi-public agency project
312 contract, the executive director of the Commission on Human Rights
313 and Opportunities or a designee, certifies that the prior resolution
314 complies with the nondiscrimination agreement and warranty under
315 subdivision (1) of subsection (a) of this section; or

316 (C) Documentation in the form of an affidavit signed under penalty
317 of false statement by a chief executive officer, president, chairperson or
318 other corporate officer duly authorized to adopt company or corporate
319 policy that certifies that the company or corporate policy of the
320 contractor complies with the nondiscrimination agreement and
321 warranty under subdivision (1) of subsection (a) of this section and is
322 in effect on the date the affidavit is signed.

323 (3) No awarding agency, or in the case of a municipal public works
324 contract, no municipality, or in the case of a quasi-public agency
325 project contract, no entity, shall award a contract to a contractor who
326 has not provided the representation or documentation required under
327 subdivisions (1) and (2) of this subsection, as applicable. After the
328 initial submission of such representation or documentation, the
329 contractor shall not be required to resubmit such representation or
330 documentation unless there is a change in the information contained in
331 such representation or documentation. If there is any change in the
332 information contained in the most recently filed representation or
333 updated documentation, the contractor shall submit an updated
334 representation or documentation, as applicable, either (A) not later
335 than thirty days after the effective date of such change, or (B) upon the

336 execution of a new contract with the awarding agency, municipality or
337 entity, as applicable, whichever is earlier. Such contractor shall also
338 certify, in accordance with subparagraph (B) or (C) of subdivision (2)
339 of this subsection, to the awarding agency or commission, as
340 applicable, not later than fourteen days after the twelve-month
341 anniversary of the most recently filed representation, documentation
342 or updated representation or documentation, that the representation
343 on file with the awarding agency or commission, as applicable, is
344 current and accurate.

345 (d) For the purposes of this section, "contract" includes any
346 extension or modification of the contract, "contractor" includes any
347 successors or assigns of the contractor, "marital status" means being
348 single, married as recognized by the state of Connecticut, widowed,
349 separated or divorced, and "mental disability" means one or more
350 mental disorders, as defined in the most recent edition of the American
351 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
352 Disorders", or a record of or regarding a person as having one or more
353 such disorders. For the purposes of this section, "contract" does not
354 include a contract where each contractor is (1) a political subdivision of
355 the state, including, but not limited to, a municipality, unless the
356 contract is a municipal public works contract or quasi-public agency
357 project contract, (2) any other state, as defined in section 1-267, (3) the
358 federal government, (4) a foreign government, or (5) an agency of a
359 subdivision, state or government described in subdivision (1), (2), (3)
360 or (4) of this subsection.

361 (e) For the purposes of this section, "minority business enterprise"
362 means any small contractor or supplier of materials fifty-one per cent
363 or more of the capital stock, if any, or assets of which is owned by a
364 person or persons: (1) Who are active in the daily affairs of the
365 enterprise, (2) who have the power to direct the management and
366 policies of the enterprise, and (3) who are members of a minority, as
367 such term is defined in subsection (a) of section 32-9n; and "good faith"
368 means that degree of diligence which a reasonable person would
369 exercise in the performance of legal duties and obligations. "Good faith

370 efforts" shall include, but not be limited to, those reasonable initial
371 efforts necessary to comply with statutory or regulatory requirements
372 and additional or substituted efforts when it is determined that such
373 initial efforts will not be sufficient to comply with such requirements.

374 (f) Determination of the contractor's good faith efforts shall include,
375 but shall not be limited to, the following factors: The contractor's
376 employment and subcontracting policies, patterns and practices;
377 affirmative advertising, recruitment and training; technical assistance
378 activities and such other reasonable activities or efforts as the
379 Commission on Human Rights and Opportunities may prescribe that
380 are designed to ensure the participation of minority business
381 enterprises in public works projects.

382 (g) The contractor shall develop and maintain adequate
383 documentation, in a manner prescribed by the Commission on Human
384 Rights and Opportunities, of its good faith efforts.

385 (h) The contractor shall include the provisions of subsections (a) and
386 (b) of this section in every subcontract or purchase order entered into
387 in order to fulfill any obligation of a contract with the state, and in
388 every subcontract entered into in order to fulfill any obligation of a
389 municipal public works contract or contract for a quasi-public agency
390 project, and such provisions shall be binding on a subcontractor,
391 vendor or manufacturer, unless exempted by regulations or orders of
392 the Commission on Human Rights and Opportunities. The contractor
393 shall take such action with respect to any such subcontract or purchase
394 order as the commission may direct as a means of enforcing such
395 provisions, including sanctions for noncompliance in accordance with
396 section 46a-56; provided, if such contractor becomes involved in, or is
397 threatened with, litigation with a subcontractor or vendor as a result of
398 such direction by the commission regarding a state contract, the
399 contractor may request the state of Connecticut to enter into any such
400 litigation or negotiation prior thereto to protect the interests of the
401 state and the state may so enter.

402 Sec. 8. Section 4a-60a of the general statutes is repealed and the
403 following is substituted in lieu thereof (*Effective July 1, 2017*):

404 (a) [Every] Except as provided in section 9 of this act, every contract
405 to which an awarding agency is a party, every contract for a quasi-
406 public agency project and every municipal public works contract shall
407 contain the following provisions:

408 (1) The contractor agrees and warrants that in the performance of
409 the contract such contractor will not discriminate or permit
410 discrimination against any person or group of persons on the grounds
411 of sexual orientation, in any manner prohibited by the laws of the
412 United States or of the state of Connecticut, and that employees are
413 treated when employed without regard to their sexual orientation;

414 (2) The contractor agrees to provide each labor union or
415 representative of workers with which such contractor has a collective
416 bargaining agreement or other contract or understanding and each
417 vendor with which such contractor has a contract or understanding, a
418 notice to be provided by the Commission on Human Rights and
419 Opportunities advising the labor union or workers' representative of
420 the contractor's commitments under this section, and to post copies of
421 the notice in conspicuous places available to employees and applicants
422 for employment;

423 (3) The contractor agrees to comply with each provision of this
424 section and with each regulation or relevant order issued by said
425 commission pursuant to section 46a-56; and

426 (4) The contractor agrees to provide the Commission on Human
427 Rights and Opportunities with such information requested by the
428 commission, and permit access to pertinent books, records and
429 accounts, concerning the employment practices and procedures of the
430 contractor which relate to the provisions of this section and section
431 46a-56.

432 (b) Except as provided in section 9 of this act:

433 (1) Any contractor who has one or more contracts with an awarding
434 agency or who is a party to a municipal public works contract or a
435 contract for a quasi-public agency project, where any such contract is
436 valued at less than fifty thousand dollars for each year of the contract,
437 shall provide the awarding agency, or in the case of a municipal public
438 works or quasi-public agency project contract, the Commission on
439 Human Rights and Opportunities, with a written representation that
440 complies with the nondiscrimination agreement and warranty under
441 subdivision (1) of subsection (a) of this section.

442 (2) Any contractor who has one or more contracts with an awarding
443 agency or who is a party to a municipal public works contract or a
444 contract for a quasi-public agency project, where any such contract is
445 valued at fifty thousand dollars or more for any year of the contract,
446 shall provide such awarding agency, or in the case of a municipal
447 public works or quasi-public agency project contract, the Commission
448 on Human Rights and Opportunities, with any of the following:

449 (A) Documentation in the form of a company or corporate policy
450 adopted by resolution of the board of directors, shareholders,
451 managers, members or other governing body of such contractor that
452 complies with the nondiscrimination agreement and warranty under
453 subdivision (1) of subsection (a) of this section;

454 (B) Documentation in the form of a company or corporate policy
455 adopted by a prior resolution of the board of directors, shareholders,
456 managers, members or other governing body of such contractor if (i)
457 the prior resolution is certified by a duly authorized corporate officer
458 of such contractor to be in effect on the date the documentation is
459 submitted, and (ii) the head of the awarding agency, or a designee, or
460 in the case of a municipal public works or quasi-public agency project
461 contract, the executive director of the Commission on Human Rights
462 and Opportunities or a designee, certifies that the prior resolution
463 complies with the nondiscrimination agreement and warranty under
464 subdivision (1) of subsection (a) of this section; or

465 (C) Documentation in the form of an affidavit signed under penalty
466 of false statement by a chief executive officer, president, chairperson or
467 other corporate officer duly authorized to adopt company or corporate
468 policy that certifies that the company or corporate policy of the
469 contractor complies with the nondiscrimination agreement and
470 warranty under subdivision (1) of subsection (a) of this section and is
471 in effect on the date the affidavit is signed.

472 (3) No awarding agency, or in the case of a municipal public works
473 contract, no municipality, or in the case of a quasi-public agency
474 project contract, no entity, shall award a contract to a contractor who
475 has not provided the representation or documentation required under
476 subdivisions (1) and (2) of this subsection, as applicable. After the
477 initial submission of such representation or documentation, the
478 contractor shall not be required to resubmit such representation or
479 documentation unless there is a change in the information contained in
480 such representation or documentation. If there is any change in the
481 information contained in the most recently filed representation or
482 updated documentation, the contractor shall submit an updated
483 representation or documentation, as applicable, either (A) not later
484 than thirty days after the effective date of such change, or (B) upon the
485 execution of a new contract with the awarding agency, municipality,
486 or entity, as applicable, whichever is earlier. Such contractor shall also
487 certify, in accordance with subparagraph (B) or (C) of subdivision (2)
488 of this subsection, to the awarding agency or commission, as
489 applicable, not later than fourteen days after the twelve-month
490 anniversary of the most recently filed representation, documentation
491 or updated representation or documentation, that the representation
492 on file with the awarding agency or commission, as applicable, is
493 current and accurate.

494 [(4)] (c) For the purposes of this section, "contract" includes any
495 extension or modification of the contract, and "contractor" includes any
496 successors or assigns of the contractor. For the purposes of this section,
497 "contract" does not include a contract where each contractor is [(A)] (1)
498 a political subdivision of the state, including, but not limited to, a

499 municipality, unless the contract is a municipal public works contract
500 or quasi-public agency project contract, [(B)] (2) any other state, as
501 defined in section 1-267, [(C)] (3) the federal government, [(D)] (4) a
502 foreign government, or [(E)] (5) an agency of a subdivision, state or
503 government described in [subparagraph (A), (B), (C) or (D) of this
504 subdivision] subdivision (1), (2), (3) or (4) of this subsection.

505 [(c)] (d) The contractor shall include the provisions of subsection (a)
506 of this section in every subcontract or purchase order entered into in
507 order to fulfill any obligation of a contract with the state, and in every
508 subcontract entered into in order to fulfill any obligation of a
509 municipal public works contractor contract for a quasi-public agency
510 project, and such provisions shall be binding on a subcontractor,
511 vendor or manufacturer unless exempted by regulations or orders of
512 the Commission on Human Rights and Opportunities. The contractor
513 shall take such action with respect to any such subcontract or purchase
514 order as the commission may direct as a means of enforcing such
515 provisions, including sanctions for noncompliance in accordance with
516 section 46a-56; provided, if such contractor becomes involved in, or is
517 threatened with, litigation with a subcontractor or vendor as a result of
518 such direction by the commission regarding a state contract, the
519 contractor may request the state of Connecticut to enter into any such
520 litigation or negotiation prior thereto to protect the interests of the
521 state and the state may so enter.

522 Sec. 9. (NEW) (*Effective July 1, 2017*) For any qualified contract
523 described in subdivision (1) of subsection (b) of section 2 of this act,
524 and any revenue contract or nonmonetary contract that is not a
525 qualified contract, as such terms are defined in section 2 of this act, that
526 is entered into or amended on or after July 1, 2017, by the chief
527 executive officer of the Board of Regents for Higher Education or the
528 chief executive officer of an institution within the jurisdiction of the
529 Board of Regents for Higher Education or by the chief executive officer
530 of The University of Connecticut, the chief executive officer shall
531 require such contract to either (1) comply with the provisions of
532 subsection (c) of section 4a-60 of the general statutes, as amended by

533 this act, and subsection (b) of section 4a-60a of the general statutes, as
534 amended by this act, and set forth the full text of subdivisions (1) to (5),
535 inclusive, of subsection (a) of section 4a-60 of the general statutes, as
536 amended by this act, and subdivisions (1) to (4), inclusive, of
537 subsection (a) of section 4a-60a of the general statutes, as amended by
538 this act, or (2) set forth the following affirmation: "Each party agrees, as
539 required by sections 4a-60 and 4a-60a of the Connecticut General
540 Statutes, not to discriminate against any person on the basis of race,
541 color, religious creed, age, marital status, national origin, ancestry, sex,
542 gender identity or expression, sexual orientation, intellectual disability,
543 mental disability or physical disability, including, but not limited to,
544 blindness, unless it is shown by such party that such disability
545 prevents performance of the work involved. Each party agrees to
546 comply with all applicable federal and state of Connecticut
547 nondiscrimination and affirmative action laws, including, but not
548 limited to, sections 4a-60 and 4a-60a of the Connecticut General
549 Statutes. ".

550 Sec. 10. Section 4a-81 of the general statutes is repealed and the
551 following is substituted in lieu thereof (*Effective July 1, 2017*):

552 (a) [No] Except as provided in section 2 of this act, no state agency
553 or quasi-public agency shall execute a contract for the purchase of
554 goods or services, which contract has a total value to the state of fifty
555 thousand dollars or more in any calendar or fiscal year, unless the state
556 agency or quasi-public agency obtains the affidavit described in
557 subsection (b) of this section.

558 (b) (1) Any principal or key personnel of a person, firm or
559 corporation who submit bids or proposals for a contract described in
560 subsection (a) of this section shall attest in an affidavit as to whether
561 any consulting agreement has been entered into in connection with
562 any such contract. Such affidavit shall be required if any duties of the
563 consultant included communications concerning business of a state or
564 quasi-public agency, whether or not direct contact with a state agency,
565 state or public official or state employee was expected or made. As

566 used in this section, "consulting agreement" means any written or oral
567 agreement to retain the services, for a fee, of a consultant for the
568 purposes of (A) providing counsel to a contractor, vendor, consultant
569 or other entity seeking to conduct, or conducting, business with the
570 state, (B) contacting, whether in writing or orally, any executive,
571 judicial, or administrative office of the state, including any department,
572 institution, bureau, board, commission, authority, official or employee
573 for the purpose of solicitation, dispute resolution, introduction,
574 requests for information, or (C) any other similar activity related to
575 such contracts. "Consulting agreement" does not include any
576 agreements entered into with a consultant who is registered under the
577 provisions of chapter 10 as of the date such affidavit is submitted in
578 accordance with the provisions of this section.

579 (2) Such affidavit shall be sworn as true to the best knowledge and
580 belief of the person signing the certification on the affidavit and shall
581 be subject to the penalties of false statement.

582 (3) Such affidavit shall include the following information for each
583 consulting agreement listed: The name of the consultant, the
584 consultant's firm, the basic terms of the consulting agreement, a brief
585 description of the services provided, and an indication as to whether
586 the consultant is a former state employee or public official. If the
587 consultant is a former state employee or public official, such affidavit
588 shall indicate his or her former agency and the date such employment
589 terminated.

590 (4) After the initial submission of such affidavit, the principal or key
591 personnel of the person, firm or corporation shall not be required to
592 resubmit such affidavit unless there is a change in the information
593 contained in such affidavit. If there is any change in the information
594 contained in the most recently filed affidavit required under this
595 section, the principal or key personnel of a person, firm or corporation
596 who submit bids or proposals for a contract described in subsection (a)
597 of this section shall submit an updated affidavit either (A) not later
598 than thirty days after the effective date of any such change, or (B) upon

599 the submittal of any new bid or proposal, whichever is earlier.

600 (c) Each state agency and quasi-public agency shall include a notice
601 of the affidavit requirements of this section in the bid specifications or
602 request for proposals for any contract that is described in subsection
603 (a) of this section.

604 (d) [In the event that] If a bidder or vendor refuses to submit the
605 affidavit required under subsection (b) of this section, such bidder or
606 vendor shall be disqualified and the state agency or quasi-public
607 agency shall award the contract to the next highest ranked vendor or
608 the next lowest responsible qualified bidder or seek new bids or
609 proposals.

610 Sec. 11. (NEW) (*Effective July 1, 2017*) Any qualified contract
611 described in subdivision (1) of subsection (b) of section 2 of this act,
612 and any revenue contract or nonmonetary contract that is not a
613 qualified contract, as such terms are defined in section 2 of this act, that
614 is (1) entered into or amended on or after July 1, 2017, by the chief
615 executive officer of the Board of Regents for Higher Education, the
616 chief executive officer of an institution within the jurisdiction of the
617 Board of Regents for Higher Education or the chief executive officer of
618 The University of Connecticut, and (2) a large state construction or
619 procurement contract, as defined in section 1-101mm of the general
620 statutes, shall not be required to comply with the provisions of section
621 1-101qq of the general statutes. If the chief executive officer of said
622 board or such an institution opts to not comply with section 1-101qq of
623 the general statutes for such a qualified, revenue or nonmonetary
624 contract, the contract shall contain the following provision: "Any
625 person who is a party to the contract, and any key employees,
626 subcontractors and consultants working under the contract, shall
627 comply with the provisions of the state code of ethics set forth in
628 sections 1-84, 1-86e and 1-101nn of the general statutes."."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2018</i>	New section
Sec. 2	<i>July 1, 2017</i>	New section
Sec. 3	<i>July 1, 2017</i>	New section
Sec. 4	<i>July 1, 2017</i>	10a-151b(b) and (c)
Sec. 5	<i>July 1, 2017</i>	1-101qq
Sec. 6	<i>July 1, 2017</i>	4-252
Sec. 7	<i>July 1, 2017</i>	4a-60
Sec. 8	<i>July 1, 2017</i>	4a-60a
Sec. 9	<i>July 1, 2017</i>	New section
Sec. 10	<i>July 1, 2017</i>	4a-81
Sec. 11	<i>July 1, 2017</i>	New section